



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 20, 2019

SECRETARY

IN RESPONSE REFER TO:
NRC-2019-000299
NRC-2016-000468
(formerly FOIA/PA-2016-0468)

Mr. Michael Best
MuckRock
DEPT MR25638
411A Highland Ave.
Somerville, MA 02144-2516

Dear Mr. Best:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your email dated May 22, 2019, appealing the NRC's decision to close your May 11, 2016, Freedom of Information Act (FOIA) request, NRC-2016-000468 (formerly FOIA/PA-2016-0468). As discussed below, your appeal is granted, and the NRC will continue to process your FOIA request.

Following receipt of your FOIA request, the NRC provided records to you via four interim responses, most recently in November 2016. In addition, as explained in previous correspondence with you from the NRC FOIA Officer regarding this FOIA request, the NRC has been attempting to access other records stored on magnetic tapes that could potentially be responsive to the request. Because that effort has been taking considerable time, and because the NRC had not heard from you regarding this FOIA request since the NRC's last interim response in November 2016, the NRC FOIA Officer sent you a letter, dated March 11, 2019, requesting that you respond by April 12, 2019, to indicate whether you remain interested in the NRC continuing to process your request. You did not respond by April 12, 2019, and so the NRC administratively closed the FOIA request. This administrative closure was documented in email correspondence to you from the NRC's FOIA Officer on April 16, 2019.

Although you did not respond directly to the March 11, 2019, letter to indicate continued interest, I interpret your appeal as indicating that you are, in fact, still interested in the NRC continuing to process your FOIA request. Further, considering the circumstances associated with this FOIA request, I find your May 22, 2019, appeal to have been submitted within a reasonable period after the deadline indicated in the NRC FOIA Officer's March 11, 2019, letter to you. Based on these considerations, I have determined that the NRC will reopen your FOIA request and will continue processing it. Accordingly, your appeal is granted.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", is written over a horizontal line.

Annette L. Vietti-Cook